

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

GRISELLE M ARTINEZ, :
v. :
Plaintiff, : CIVIL ACTION NO. _____
R & L TRANSFER, INC., MARK P. :
LAMONDE, ABC CORPS. 1-20 (fictitious :
names), JOHN and JANE DOES 1-20 :
(fictitious names), :
Defendants.

NOTICE OF REMOVAL

TO: The Judges of the United States District Court
for the District of New Jersey

PLEASE TAKE NOTICE that the Defendants R & L Transfer, Inc. and Mark P. Lamonde (hereinafter "Defendants") hereby remove this action filed in the Superior Court of New Jersey, Law Division, Bergen County, styled and numbered *Martinez v. R&L Transfer Inc. et al.*, No. L-6516-12. As set forth more fully below, this case is properly removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1446 because Defendants have satisfied the procedural requirements for removal, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332. Defendant states as follows:

1. On August 23, 2012, Plaintiff Grisselle Martinez filed her Complaint in the Superior Court of New Jersey, Law Division, Bergen County, initiating the above referenced action. Plaintiff served the Complaint on Defendant R&L Transfer, Inc. on September 7, 2012, and on Defendant Mark P. Lamonde on September 11, 2012. A copy

of Plaintiff's Complaint and all other process served on Defendants is attached hereto as Exhibit A.

2. The action is a civil suit in which Plaintiff seeks damages in negligence for alleged injuries.

3. According to the Complaint, Plaintiff is a resident of New Jersey, residing in the Township of Wood Ridge, Bergen County.

4. Defendant R & L Transfer, Inc. is an Ohio corporation with its principal place of business at 600 Gillam Road, Wilmington, Ohio 45177-0271.

5. Defendant Mark P. Lamonde is a resident of Rhode Island, residing at 105 Burgess Avenue, Pawtucket, RI 02861.

6. According to the Complaint, as a result of the alleged negligence of Defendants, Plaintiff was "seriously and permanently injured suffered and will in the future suffer great pain and mental anguish, was and will in the future be prevented from engaging in her usual pursuits and occupations and was and will in the future be required to expend substantial sums of money for medical treatment in an effort to effect a cure for said injuries."

7. Based on the extent of the physical injuries alleged in the Complaint, which Plaintiff alleges are serious and permanent, and other losses alleged in the Complaint, which are alleged to include loss of enjoyment and occupation and "substantial sums" for medical bills, Defendants aver that the amount in controversy in this matter exceeds \$75,000.00.

6. This case is a civil action over which the United States District Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1332, because the matter in

controversy is between citizens of different States. As set forth in the Complaint, Plaintiff is a resident of New Jersey, and Defendant R&L Transfer, Inc., is an Ohio corporation and has its principal place of business in Ohio, and Defendant Mark P. LaMonde is a resident of Rhode Island. Pursuant to 28 U.S.C. 1441(b)(1), the citizenship of the defendants sued under fictitious names - i.e., ABC Corps. 1-20 and John and Jane Does 1-20 – must be disregarded.

7. Because Plaintiff's Complaint consists of claims and/or causes of action within the original jurisdiction of this Court, Defendant is entitled to remove this action to this Court pursuant to 28 U.S.C. § 1441(b) and in accordance with 28 U.S.C. § 1446.

WHEREFORE, Defendants R&L Transfer, Inc. and Mark P. LaMonde respectfully requests that the above-described action pending against it in the Superior Court of New Jersey, Law Division, Bergen County, be removed to the United States District Court for the District of New Jersey.

Respectfully submitted,

COZEN O'CONNOR



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